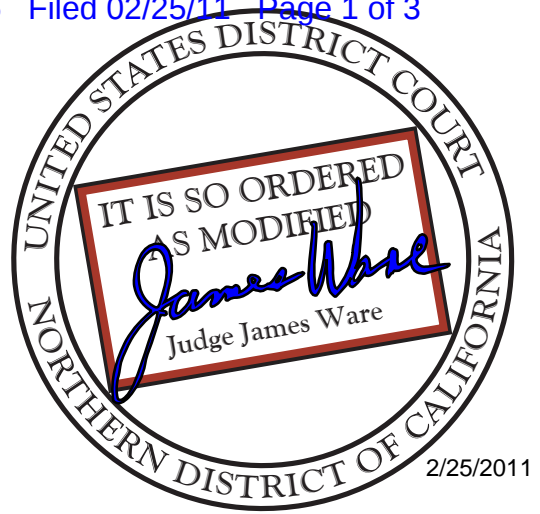


Peter A. Leeming, SBN 119124
108 Locust Street, Suite 7
Santa Cruz CA 95060

Telephone (831) 425-8000

Attorney for: Defendant MARLON SPENCER



IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 09-00400 JW
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING SENTENCING
vs.)	HEARING DATE
)	
MARLON SPENCER,)	
)	
Defendants.)	
)	
)	
)	

The United States of America, by Grant P. Fondo,
Assistant United States Attorney, and the defendant in the above
case, by and through his attorney Peter A. Leeming, hereby enter
into this joint stipulation.

The parties stipulate, and ask the Court to adopt as its
FINDINGS that:

1 1. This case is currently set for a sentencing hearing on
2 February 28, 2011 at 1:30 P.M. Through this stipulation, the
3 parties are requesting that the sentencing hearing be continued
4 one week until March 7, 2011, at 1:30 P.M.
5

6 2. Counsel for Mr. Spencer, Peter A. Leeming, is
7 scheduled to be in state court in Palo Alto on February 28,
8 2011, at 1:30 PM. This court appearance was set by another
9 attorney who specially appeared when Mr. Leeming was selecting a
10 jury in US v. Roscoe, et al, No. Cr-07-00373 RMW.
11

12 3. The government does not object to the one week
13 continuance.
14

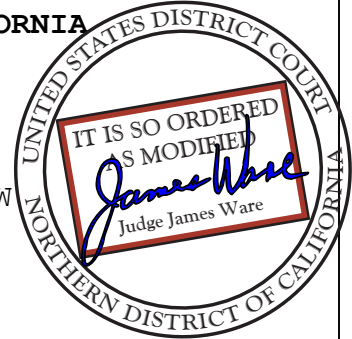
15 4. Both sides therefore respectfully request that the
16 court order that the current sentencing date of February 28,
17 2011 be continued to March 7, 2011 at 1:30 PM, and
18

19 IT IS SO STIPULATED
20

21 Dated: February 22, 2011 By: _____/S/_____
22 GRANT P. FONDO, Assistant
23 United States Attorney
24

25 Dated: February 22, 2011 By: _____/S/_____
26 PETER A. LEEMING, attorney
27 for MARLON SPENCER
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION



UNITED STATES OF AMERICA,) No. 09-00400 JW
)
Plaintiff,) [PROPOSED] ORDER
)
vs.)
)
Marlon Spencer,)
)
Defendant)

ORDER

For the reasons stated in the above stipulation, the Court hereby orders that the sentencing hearing in the above case is continued from February 28, 2011 to March 14, 2011 at 1:30 PM.

IT IS SO ORDERED.

Dated: February 25, 2011


The Honorable James Ware